

KING COUNTY

**REPONSES TO U.S. EPA CERCLA SECTION 104(e)
REQUEST FOR INFORMATION**

Dated: March 1, 2021

1. Identification and Association with Subject Property

- a. Provide the full legal name and mailing address of Respondent.**
- b. For each person answering these questions on behalf of Respondent, provide that person's:**
 - i. full name;**
 - ii. title;**
 - iii. business address and electronic mail address; and**
 - iv. business telephone number.**
- c. If Respondent wishes to designate an individual for receiving future correspondence from the EPA concerning the EWOU, please indicate so here by providing that individual's name, mailing address, electronic mail address, telephone number, and fax number.**
- d. Provide the address of each Subject Property, the time period when Respondent held any ownership or other interest in the Subject Property, and the type of interest held.**

See previous response dated December 1, 2021 ("Initial Response") providing information on currently-owned properties.

In addition, King County has completed its search to identify any properties within the relevant area that it formerly owned in fee. To determine whether there were any formerly owned King County properties, the County attempted to identify such properties by reviewing publicly available Sanborn Insurance Maps, Kroll Maps, and Baist's Real Estate Atlases. These resources show the East Waterway area since before the Duwamish tide flats were filled in and Harbor Island created. Sanborn maps, made to assist responding fire-fighters, show building locations and configurations. They also identify the entities operating in them. Baist's Real Estate Atlases show buildings and operators as well as parcel boundaries and numbering. Kroll maps show buildings, operators, and parcel boundaries, and sometimes list parcel owners. The review of these sources did not reveal any buildings where King County was noted as the operator nor any properties with operations where King County was noted as the owner of the parcel. The County also reviewed publicly available Polk Directories, which are phone directories where numbers can be looked up by party name or by street address. These were first published in 1910. Checking either by "King County" as the party or by street addresses did not reveal any historic King County operations.¹

- e. Identify all materials used or created by Respondent's activities or operations at each Subject Property.**
- f. Provide copies of all documents regarding the ownership or environmental conditions of the Subject Property, including, but not limited to, deeds, sales contracts, leases, surveys, investigations, sampling, reports, blueprints, "as-builts," and photographs.**
- g. Provide information on the condition of the Subject Property when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways.**
- h. Describe the activities or operations at each Subject Property including:**

¹ The County did not seek to identify properties it owned only through tax foreclosure ("tax-title" properties), records of which are voluminous, especially through the Great Depression.

- i. the date such activities or operations commenced and concluded; and
 - ii. the types of activities or operations performed at each Subject Property, including but not limited to the use, storage, or disposal of any materials in an outdoor location.
- i. Describe each release of materials at or from a Subject Property, including the type and quantity of the materials, the location of the release, the impacted media, and the response.

See Initial Response and additional documents provided with this response.

King County also supplements its prior response with the following description of its Transit Power Distribution Headquarters:

King County Transit's Power Distribution Headquarters (PDHQ) is located at 2255 Fourth Avenue South in the SODO neighborhood of Seattle. KC_EWW104(e)_038692 at 692. The PDHQ supports the trolley bus cohort of King County Transit's fleet of coaches as well as the Radio and Electrician workgroups within the Transit Facilities Division. Trolley buses run on electricity fed to the coach from wires strung above the street. The PDHQ is the administrative center for the trolley bus power grid and serves as the base for the work crews that repair and maintain the overhead wires. The PDHQ property is not used for bus maintenance or repair - the trolley bus barn is located elsewhere in Seattle. Other than a small workshop described below, all activities of a fabrication or repair nature are done off the PDHQ property, usually at the site where the repair or component is needed.

The United States Postal Service operated on the property prior to King County's occupation of it. KC_EWW104(e)_038694 at 706. USPS used it for vehicle maintenance. King County leased the property beginning in 1979 before purchasing it from a private owner in 1988. KC_EWW104e_038659. As of 1979, the property had one building on it, in the southeast corner. KC_EWW104(e)_038694 at 706. That building was taken down and the current building built in 2004 along with a high overhang that covers a large portion of the parking lot. KC_EWW104(e)_038475 at 475 – 531.

The building at the PDHQ facility covers about a third of the property and has three stories. KC_EWW104(e)_386443 at 447; KC_EWW104(e)_38475 at 476 – 478. The top story contains the offices of the administrators and technicians who monitor the power flowing through the overhead wires and determine how electricity should be routed throughout the system. There are also computer servers on the floor. The middle story holds the radio communication equipment. The first floor holds the lockers and meeting areas for the work crews. The first and second stories also have storage rooms for power grid parts. Most of these parts are hardware components for the overhead wires. It does include some replacement transformers, but these are dry-type. Electrical equipment installed in the building is new since the building was constructed in 2004 and typical for a work crew base of operations. KC_EWW104e_038587. Some lubricants and other chemicals are kept on a set of shelves on the first floor, but these are individually packaged and taken as whole units to be used off-site by the work crews. The PDHQ has current and archived MSDS or Safety Data Sheets for these and other substances. KC_EWW104e_036102 – 8128; KC_EWW104e_038915 – 9431. Large components, such as new poles from which the wires will be strung, are stored off-site. While there is a one-room workshop on the first floor for minor repairs or configurations to apparatus installed offsite, no

parts are manufactured on-site. If a chemical liquid is needed for a project in the workshop area, the work is done over a receptacle which would catch any spills. Although the building has some internal parking bays, they are currently not used for vehicle parking. The property has had a side sewer connection to the sanitary sewer since 1952, and an existing connection was reused when the new building was built. KC_EWW104(e)_385999; KC_EWW104(e)_386443 at 450.

The remainder of the PDHQ property is taken up by the employee parking lot and the parking bays for the work crews' maintenance vehicles. KC_EWW104(e)_386443 at 447. The larger maintenance trucks are parked under a high-ceiling overhang which protects most of the vehicle from the weather. It is approximately 175 feet long, large enough to fit eight trucks parked side-by-side, and the back wall is made of solid materials. Against the back wall and protected by the overhang is additional part storage (hardware). This includes a cabinet with doors for storage of some flammable liquids, and two lidded 55-gallon drums for storage of waste until a contractor picks it up for disposal. KC_EWW104e_036009 at 6009. One drum holds used aerosol cans of all types (e.g., lubricants, cleaners, marking paint). The other holds ballasts that do not have a "No PCBs" sticker on them. These ballasts originate off site and are brought in by the work crews after completing a project and, per State regulation, are presumed to have PCBs in them since they do not have the sticker (regardless of other indications such as date of manufacture, etc.). Work crews take the ballasts straight from their work truck to the 55-gallon drum. Besides having lids, the drums are located near the back wall where there is no exposure to weather. Outside the overhang are five small dumpster-sized and two medium dumpster-sized containers for storage of broken equipment prior to disposal, as well as one very large dumpster. These are all lidded. There is also one forklift at the facility. Hazardous waste is removed from the facility by private contractors, which King County has hired since occupying the property in 1988. KC_EWW104e_035746 – 998. The contractors take the waste to disposal facilities in Lynnwood and Kent in Washington State, as well as to disposal facilities in Utah, Nebraska, and Arkansas. KC_EWW104e_035746 – 998.

There are two USTs on the property for fleet fueling. A 3,000-gallon UST holds gasoline and a 4,000-gallon tank holds diesel fuel. The gasoline tank was installed around 1991, replacing four pre-existing USTs, while the diesel tank was installed in 2005. KC_EWW104e_038246; KC_EWW104e_038430. They are inspected monthly and yearly and fully tested yearly. KC_EWW104e_038274 – 343; KC_EWW104e_038686 – 688. The four prior tanks were a 3,000-gallon tank holding gasoline, two 500-gallon tanks holding diesel fuel, and one 1,000-gallon tank with hydraulic fluid. KC_EWW104e_038350 at 362; KC_EWW104e_038694 at 707. Two of the earlier USTs had leaked, and the soil was remediated. KC_EWW104e_038350 at 370; KC_EWW104e_038694. The fleet of maintenance vehicles is washed and serviced off-site, and much of the fueling ends up being done offsite for efficiency. There is a small strip of landscaping between the parking for employees and the parking for County vehicles, as well as a small amount of landscaping near the building. KC_EWW104e_038470.

The parking lot has a stormwater drainage system with catch basins and oil-water separators. KC_EWW104(e)_386443 at 450. The drainage around the fueling station is connected to the sanitary sewer and has had an oil-water separator since before 1991. That OWS was replaced in 1991 and again when the new building was built in 2004. KC_EWW104(e)_386443 at 450; KC_EWW104e_038694 at 707. The drainage serving the parking overhang was installed when the overhang was built in 2004. KC_EWW104(e)_386443 at 450. It is connected to the stormwater system. Despite low flow due to the overhang, it has its own oil-water separator.

KC_EWW104(e)_386443 at 450. The drainage for the remainder of the parking lot goes through a StormFilter and then to the stormwater system. The filter is replaced every two to three years. County employees inspect the components of the drainage system, including the catch basins and oil-water separators, approximately once a year and the components are cleaned out on an as-needed basis. KC_EWW104e_039852. The City has inspected the drainage system twice since 2004, in 2009 and 2017, and did not find any deficiencies. KC_EWW104e_039852.

Google Earth Screenshots:

Overhead:



View from Fourth Avenue South, looking west at the three-story building:



From Stacy Avenue, looking north at the parking lot, overhang, and three-story building:



From Stacy Avenue, looking north at the fleet parking lot, the overhang, and the three-story building:





From 3rd Avenue South, looking north and east at the backside of the overhang:

The County otherwise provides additional information below, beyond that related to the subject properties covered, that relates to the regional sewage system and inputs to that system:

King County is producing copies of documents from its Industrial Waste program, which regulates discharges to the combined sewer system. For purposes of this response, King County has focused its response and document collection efforts to the two most significant categories of regulated dischargers—Industrial Use Waste Discharge Permits (“IUPs”) and Major Discharge Authorizations (“DAs”). A summary table of all such entities in the relevant area can be found at KC_EWW104e_026142. Associated documents can be found at KC_EWW104e_026142 - 026608. All active IUPs for Significant Industrial Users (“SIUs”) and DAs for Non-SIUs are included in the summary table produced, and copies of the permit documents associated with them are being produced. King County also queried its database of complete records going back to 1999 for historical IUPs Waste Discharge Permits and Major DAs that are no longer active. A summary of information in the database resulting from this query is included in the table being produced.

The County is producing a substantial amount of sampling data relevant to its sewer systems in the East Waterway area. That data can be found at KC_EWW104e_033056 - 033058. King County Environmental Laboratory stores analytical data in its “LIMS” database. Analytical data associated with all station locations, referred to as locators, within combined sewer system drainage basins with available station coordinates that fell within the East Waterway 104e boundary, are included in the submittal. There are numerous locators in LIMS that do not have station coordinates available. These can include records from samples collected decades ago from throughout King County. Based on the number of records and age, it may not be possible to

identify all those applicable to the East Waterway 104e request. Therefore, of those without coordinates, only those locators associated with source tracing efforts that were known to be from locations within combined sewer system drainage basins the East Waterway 104e boundary were included in the submittal.

Because they are already in EPA's possession, documents prepared or collected by or for the East Waterway Group for implementation of Port of Seattle remedial work for the EWOU under order to EPA are not being produced to EPA with this response.

j. Provide information on past dredging or future planned dredging in the EWOU.

The Port of Seattle conducted a dredging project at Terminal 30 for the purpose of increasing cargo handling capacity at Terminal 30 while maintaining existing port uses. The project was conducted over two dredging seasons. KC_EWW104e_035634. The first round of dredging was conducted from December 2007-February 2008 and the second round of dredging was conducted from December 2008 – February 2009. *Id.* Post dredge monitoring was conducted at the completion of both rounds of dredging. *Id.*

King County was involved in one aspect of the project and provides details on that portion of the project: upland disposal of more contaminated sediments near the Lander CSO/SD outfall. The larger Port project involved dredging to deepen the slip, apron strengthening, and other structural improvements to Terminal 30. KC_EWW104e_035640. The Port of Seattle dredged approximately 59,000 cubic yards of sand and silt to reach a bottom elevation of -51 feet MLLW using a clamshell dredge. *Id.* The dredged material was disposed of at the Elliott Bay Puget Sound Dredged Disposal Analysis open water disposal site. *Id.* The Port replaced the fender system, which included 104 creosote treated pilings and 51 steel fender pilings. *Id.* This resulted in a net reduction in overwater coverage of 3,095 square feet. *Id.* The Port installed new concrete piles to strengthen the existing apron. *Id.*

Upland disposal of approximately 19,000 cubic yards of sand and silt nearest to the Lander CSO/SD and two Terminal 30 outfalls was determined to be needed due to higher levels of contamination. The Port and King County entered into a cost sharing agreement for that additional cost of the larger project.

k. Provide all documents pertaining to the use, storage, or disposal of any hazardous substances, pollutants, or contaminants at the Subject Property.

See Initial Response, additional documents provided with this response, and narrative response above.

l. Provide all information on electrical equipment used at the Subject Property, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).

See Initial Response, additional documents provided with this response, and narrative response above.

m. Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances, pollutants, or

contaminants which are or were used at the Subject Property.

See Initial Response, additional documents provided with this response, and narrative response above.

- n. Provide any Subject Property drainage descriptions plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to each sanitary sewer.**

See Initial Response, additional documents provided with this response, and narrative response above.

- o. With respect to past activities or operations at each Subject Property, provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Subject Property. Also provide copies of any Stormwater Pollution Prevention or Maintenance Plans or Spill Plans that may have been developed for different operations during Respondent's occupation of the Subject Property.**

See Initial Response, additional documents provided with this response, and narrative response above.

- p. Describe each underground storage tank present at any time on a Subject Property, including but not limited to the size and location of the tank, the materials stored in the tank, the time period of use, whether any material leaked from the tank, the type and quantity of leaked material, and the response to the leaked material.**

See narrative response above.

- q. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a description of the activities or operations they conducted while present at the Subject Property.**

N/A

- r. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:**
 - i. the U.S. Bankruptcy Court in which the petition was filed;**
 - ii. the docket numbers of such petition;**
 - iii. the date the bankruptcy petition was filed;**
 - iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and**
 - v. a description of the current status of the petition.**

N/A

- s. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or**

information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous substances, pollutants, or contaminants, or transportation of hazardous substances, pollutants, or contaminants to or from, the Subject Property.

See Initial Response. The names and current titles of additional individuals identified since the Initial Response are:

Bill Wilbert
Environmental Programs Managing Supervisor
King County Wastewater Treatment Division
King County Dept of Natural Resources and Parks
c/o King County Prosecuting Attorney's Office

Jim Simmonds
Environmental Programs Managing Supervisor
King County Wastewater Treatment Division
King County Dept of Natural Resources and Parks
c/o King County Prosecuting Attorney's Office

Talon Swanson
Environmental Scientist III
Transit Facilities Division
Metro Transit Department
c/o King County Prosecuting Attorney's Office

Yam Thapa
Transit Power District Coordinator
Transit Facilities Division
Metro Transit Department
c/o King County Prosecuting Attorney's Office

Kelly Smith
Line Material Worker II
Transit Facilities Division
Metro Transit Department
c/o King County Prosecuting Attorney's Office

2. Financial Information

- a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2015, 2016, 2017, 2018, and 2019. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.**
- b. Provide Respondent's financial interest in, control of, or that Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in the federal tax returns or other financial information to be presented to the EPA. If there are such assets, identify each asset by type of asset, estimated value, and location.**

- c. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:
- i. a general statement of the nature of relationship, indicating whether the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of Respondent's business operations at the Subject Property;
 - ii. the dates such relationship existed;
 - iii. the percentage of ownership of Respondent that is held by such other entity(ies);
 - iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;
 - v. providing any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of Respondent associated with the Subject Property or the EWOU; and
 - vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

See Initial Response.

3. Insurance Coverage

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the Subject Property or EWOU and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup and include the years such policies were in effect.
- b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:
 - i. the name and address of each insurer and of the insured;
 - ii. the type of policy and policy numbers;
 - iii. the per occurrence policy limits of each policy; and
 - iv. the effective dates for each policy.
- c. Identify all insurance brokers or agents who placed insurance for Respondent at any time during the period being investigated, as identified at the beginning of this request and identify the time period during which such broker or agent acted in this regard.
- d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of Respondent under any insurance policy in connection with the Subject Property or EWOU. Include any responses from the insurer with respect to any claims.

- e. **Identify any previous settlements with any insurer in connection with the Subject Property or EWOU, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by Respondent or insurer.**
- f. **Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.**
- g. **Identify Respondent's policy with respect to document retention.**

See Initial Response.

4. Compliance with This Request

- a. **Describe all sources reviewed or consulted in responding to this Request, including, but not limited to:**
 - i. **the name and current job title of all individuals consulted; and**
 - ii. **the location where all documents reviewed are currently kept.**

See Initial Response. The names and current titles of additional individuals consulted since the Initial Response are:

Bill Wilbert
Environmental Programs Managing Supervisor
King County Wastewater Treatment Division
King County Dept of Natural Resources and Parks
c/o King County Prosecuting Attorney's Office

Jim Simmonds
Environmental Programs Managing Supervisor
King County Wastewater Treatment Division
King County Dept of Natural Resources and Parks
c/o King County Prosecuting Attorney's Office

Talon Swanson
Environmental Scientist III
Transit Facilities Division
Metro Transit Department
c/o King County Prosecuting Attorney's Office

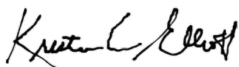
Yam Thapa
Transit Power District Coordinator
Transit Facilities Division
Metro Transit Department
c/o King County Prosecuting Attorney's Office

Kelly Smith
Line Material Worker II
Transit Facilities Division
Metro Transit Department
c/o King County Prosecuting Attorney's Office

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on March 1, 2022.



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